

DEC 12 2005

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO ROLANDO MARTINEZ,

Defendant - Appellant.

No. 03-10689

D.C. No. CR-03-00290-1-FJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frederick J. Martone, District Judge, Presiding

Submitted December 5, 2005**

Before: GOODWIN, W. FLETCHER and FISHER, Circuit Judges.

Francisco Rolando Martinez appeals the sentence imposed following his guilty plea conviction for being an unlawful alien in possession of a firearm and

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

for illegal reentry after deportation, all in violation of 18 U.S.C. §§ 922(g)(5), 924(a)(2) and 8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291.

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

REMANDED.